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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,515	05/03/2001	Matti Kantola	617-010289-US(PAR)	7554
2512	7590	06/08/2007	EXAMINER	
PERMAN & GREEN			DAO, MINH D	
425 POST ROAD			ART UNIT	PAPER NUMBER
FAIRFIELD, CT 06824			2618	
			MAIL DATE	DELIVERY MODE
			06/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/848,515	<b>Applicant(s)</b> KANTOLA ET AL.	
	<b>Examiner</b> MINH D. DAO	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/23/07 have been fully considered and are persuasive. Therefore, the rejection dated 9/26/06 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Weatherspoon et al. (US 7,174,564) and Hunt et al. (US 6,539,422).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-10, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Weatherspoon et al. (US 7,174,564).

Regarding claim 1, Weatherspoon teaches a portable communications device comprising communication means for communicating with a second device, and identification means, separate from said communication means, said identification

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means arranged to independently provide information identifying said portable communications device, from said identification means to said second device, to establish a communication connection between said communication means and said second device (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37).

Regarding claim 8, Weatherspoon teaches that the information provided by said identification means comprises one or more of the following: identity of the device; address of the device when the communication means are used; and identity of the user (see col. 4, lines 1-22).

Regarding claim 9, Weatherspoon teaches that the second device is one of the following devices: point of sale device; ticket gate device; and information kiosk or point of service device as mentioned in applicant remarks dated 3/23/07 (page 6) (see Access Point of Weatherspoon).

Regarding claim 10, Weatherspoon teaches that the established communication connection with said second device is a wireless link (see fig. 2, wireless links 116 and 118).

Regarding claim 16, Weatherspoon teaches a communications device comprising communication means for communicating with a portable device, and identification means, separate from said communication means, said

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identification means arranged to independently provide information identifying said communications device, to said portable device to establish communication between said communication means and said portable device (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37).

Regarding claim 17, Weatherspoon teaches a method of establishing a communications connection between a portable communications device and a second device, said method comprising: one of said second device and said portable communications device obtaining information from the other, by an identification means separate from the communication connection; and using said information to establish the communication connection between said second device and said communications device wherein the connection is established by a communication means separate from said identification means (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37).

Regarding claim 18, Weatherspoon teaches that the second device comprises a portable communications device (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (US 7,174,564) in view of Hunt et al. (US 6,539,422).

Regarding claim 2, Weatherspoon, as mentioned above, teaches the limitations of claim 1, but does not disclose that the identification means comprises a bar code. Hunt, in an analogous art, teaches devices equipped with bar code, RF tags, or magnetic strips (see col. 1, lines 30-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching, mentioned in Hunt reference, to Weatherspoon for the purpose of providing users with variety of symbols having encoded data.

Regarding claims 3, and 4 the combination of Weatherspoon and Hunt obviously teaches the bar code is arranged on the exterior of the communications device or on the display as it is well known in the art.

Regarding claim 5, the combination of Weatherspoon and Hunt teaches that the identification means comprises a radio frequency tag (see col. 1, lines 30-44).

Regarding claim 6, the combination of Weatherspoon and Hunt teaches that the identification means comprises a magnetic data carrying arrangement (see col. 1, lines 30-44).

Regarding claim 6, the combination of Weatherspoon and Hunt teaches that the magnetic data carrying arrangement comprises a magnetic strip (see col. 1, lines 30-44).

6. Claims 11-15,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (US 7,174,564) in view of Cameron et al. (US 2003/0055735).


Regarding claims 11-15,19, Weatherspoon does not mention the limitations recited in these claims. However, Cameron, in an analogous art, teaches a mobile phone equipped with Bluetooth or infrared devices capable of operating in 2.4 ghz band (see sections [0015 and 0169]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Cameron to Weatherspoon in order for the combined system to communicate with other devices that come within range as taught by Cameron (see abstract).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Minh Dao   
AU 2618  
June 01, 2007

  
Mathew Anderson  
Supervisor AU 2618